



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TRG
Docket No: 1069-00
11 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 13 December 1993 at age 22. Subsequently, you contributed to the Montgomery G. I. Bill (MGIB). The documentation to support your discharge processing is not filed in your service record. However, the available records indicate that you completed an alcohol rehabilitation program and, on 15 May 1996, you were counseled and warned that your continued failure to complete the mandated aftercare program could lead to an administrative discharge. On 25 September 1996 you received nonjudicial punishment for an unauthorized absence of about 29 hours and being incapacitated for the proper performance of duty, apparently because of alcohol abuse. The next entry in the record shows that you were not recommended for reenlistment due to alcohol rehabilitation failure. You were honorably discharged by reason of alcohol rehabilitation failure on 18 October 1996.

The regulations that apply to your case state that an individual is eligible for MGIB payments upon completion of 30 months of a four year enlistment if the discharge is involuntary and for the convenience of the government. A discharge due to alcohol rehabilitation failure is not considered as a discharge for the

convenience of the government. The Board concluded that you were properly discharged due to alcohol rehabilitation failure and a change in the reason for your discharge was not warranted.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged by reason of alcohol rehabilitation failure. Since you have been treated no differently than others discharged for that reason, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director